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CONSTITUTION

OF THE

STATE OF MISSOURI;

MADE IN CONVENTION,

AT THE CITY OF JEFFERSON, A. D. 1845.

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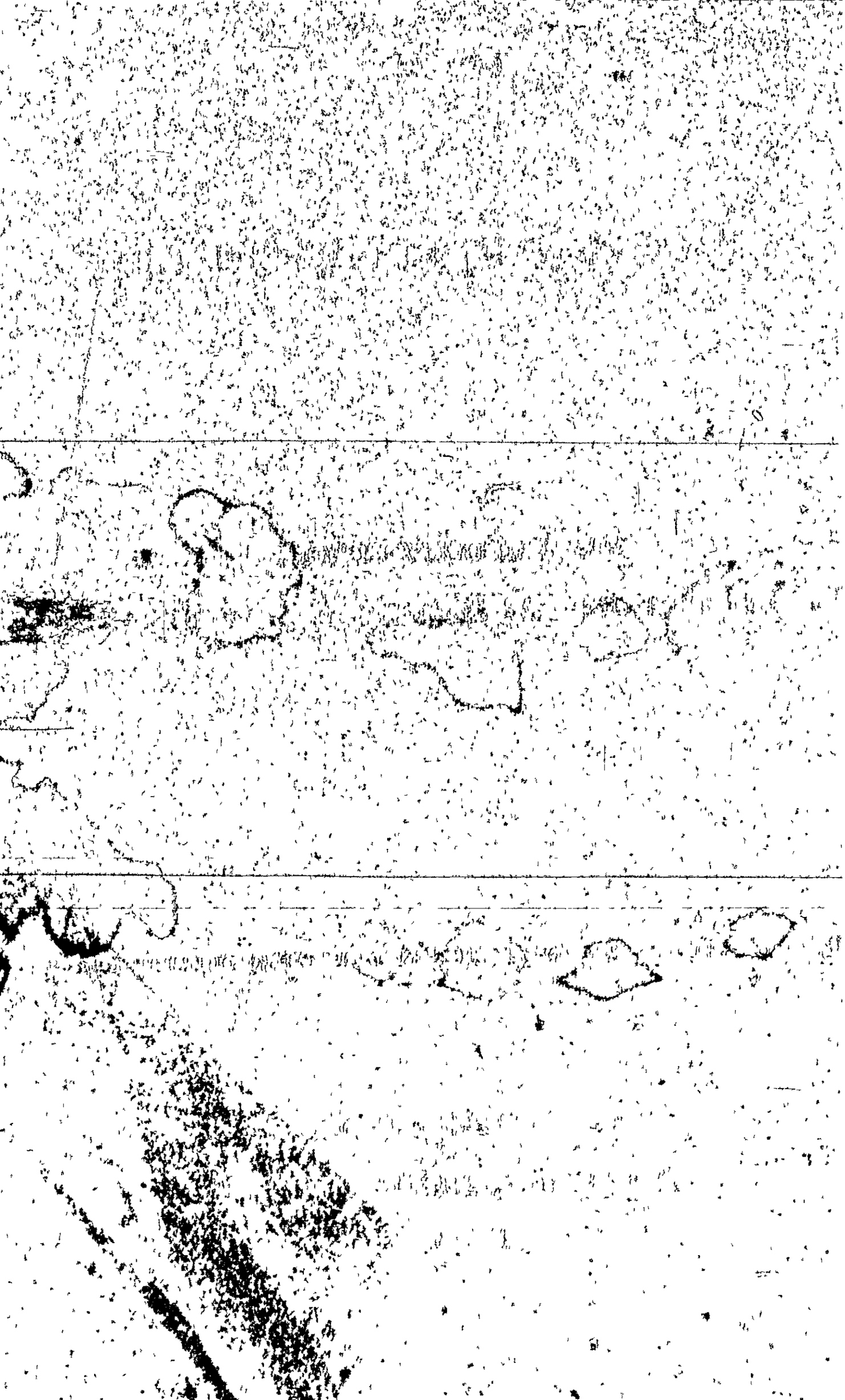

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CONSTITUTION.

WE, the people of the State of Missouri, by our delegates in Convention assembled, do ordain and establish the following CONSTITUTION:

ARTICLE I.

Of Boundaries.

§ 1. We do declare, establish, ratify and confirm the following as the permanent boundaries of the State of Missouri: "Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence west along the said parallel of latitude to the St. François river; thence up and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence from the point aforesaid, north along the said meridian line, to the middle of the main channel of the Missouri river; thence up and following the course of said stream, in the middle of the main channel thereof, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines; thence east from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the main channel of the main fork of the said river Des Moines; thence down along the middle of the main channel of the said river Des Moines, to the mouth of the same where it empties into the Mississippi river; thence due east to the middle of the main channel of the Mississippi river, thence down and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning."

§ 2. The general assembly shall have power to appoint commissioners, to act in conjunction with commissioners from any other State, to adjust the eastern boundary of the State, and to determine what Islands in the Mississippi river are within the limits of the State of Missouri.

§ 3. The general assembly shall have power, with the consent of the United States, to acquire additional territory, and to extend the boundary of this State so as to include such additional territory as may hereafter be acquired by the State.

§ 4. All that territory of the State of Missouri which is bounded on the east by the middle of the main channel of the Mississippi river, on the north by the line that separates townships forty-four and forty-five, on the

west by a meridian line running through the middle of range six east, and on the south by the line that separates townships forty-three and forty-four north, is hereby ceded to the government of the United States, for the purpose of locating and keeping thereon the Seat of Government of the United States, in conformity to the sixteenth clause of the eighth section of the first article of the Constitution of the United States. This section shall not take effect until the Congress of the United States shall have assented to the same, and provided for the removal of the Seat of Government of the United States to the district hereby ceded to the United States.

ARTICLE II.

Of the Distribution of Powers.

The powers of government shall be divided into three distinct departments, each of which shall be confined to a separate magistracy; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

Of the Legislative Power.

§ 1. The legislative power shall be vested in a "general assembly," which shall consist of a senate and house of representatives.

§ 2. The house of representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties, apportioned in the following manner, to-wit: The ratio of representation shall be ascertained at each apportioning session of the legislature, by dividing the whole number of permanent free white inhabitants of the State by the number one hundred. Each county having three-fifths of said ratio shall be entitled to one representative; each county having said ratio and a fraction over, equal to two-thirds, shall be entitled to two representatives; each county having twice said ratio, and a fraction over, equal to two-thirds, shall be entitled to three representatives; each county having four times said ratio shall be entitled to four representatives; and so on above that number, giving one additional member for each additional ratio. And when any county, entitled to more than two representatives, shall have a town or city therein, with the full amount of said ratio, such town or city shall be entitled to a separate representation from the county: provided the residue of the county shall amount to the ratio: and in such case, a town or city shall be divided into as many separate districts as the number of members apportioned to such town or city containing as near as may be an equal number of permanent free white inhabitants, which division shall be made by the tribunal transacting county business in the county, as soon after each apportionment as is practicable, and shall not be changed until after the succeeding apportionment; each of which districts shall elect one representative: provided,

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however, that when any county having less than three-fifths of said ratio, shall not be contiguous to any other county with less than three-fifths thereof, such county shall nevertheless be entitled to one representative; and in all other cases of small counties having less than three-fifths, they shall be formed into districts, containing two-thirds of said ratio, and shall be entitled to one member for the same.

§ 3. No person shall be a member of the house of representatives who shall not have attained the age of twenty-four years, who shall not be a free white male citizen of the United States, who shall not have been an inhabitant of this State two years, and of the county or district which he represents one year next before his election, if such county or district shall have been so long established; but if not, then of the county or counties, district or districts, from which the same shall have been taken, and who shall not moreover have paid a State or county tax, within one year next preceding his election.

§ 4. The general assembly at their first session after the adoption of this constitution, shall cause an enumeration of the permanent free white inhabitants of this State to be made; and at the first session after the enumeration shall apportion the number of representatives among the several counties as directed by the second section of this article. And every fourth year thereafter they shall cause a like enumeration to be made, and shall apportion the representatives among the several counties according to the same section, except that two-thirds of the ratio shall be required, instead of three-fifths, to entitle a county to one member.

§ 5. The senators shall be chosen by the qualified electors for the term of four years. No person shall be a senator who shall not have attained to the age of thirty years, who shall not be a free white male citizen of the United States, who shall not have been an inhabitant of this State four years next preceding his election, and of the district which he may be chosen to represent one year next before his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken, and who shall not moreover have paid a State or county tax within one year next preceding his election.

§ 6. The senate shall consist of not less than twenty-five nor more than thirty-three members, for the election of whom the State shall be divided into convenient districts, which may be altered from time to time, and new districts established as public convenience may require, and the senators shall be apportioned among the several districts according to the number of permanent free white inhabitants in each: provided that when a senatorial district shall be composed of two or more counties, the counties of which such district consists, shall not be entirely separated by any county belonging to another district, nor shall said district so composed of two or more counties, be entitled to more than one senator; and no county shall be divided in forming such a district, except a county whose population shall entitle it to two or more senators, in which case said county shall be divided by the tribunal transacting county business as soon after each apportionment as is practicable, into as many districts as it may be entitled to senators, which districts shall not be changed until after the succeeding apportionment, each of which districts shall contain as near as may be an equal number of permanent free white inhabitants, and

elect one senator, and any person otherwise qualified who has lived in such senatorial district one month shall be entitled to vote in the same, and until he shall acquire the right to vote in such district, he shall be entitled to vote in the district from which he removed.

§ 7. At the first session of the general assembly, the senators shall be divided by lot, as equally as may be, into two classes. The seats of the first class shall be vacated at the end of the second year, and the seats of the second class at the end of the fourth year, so that one half of the senators shall be chosen every second year.

§ 8. After the first day of January one thousand eight hundred and forty-eight, all general elections shall commence on the first Monday in August, and shall be held biennially, and the electors in all cases except of treason, felony or breach of peace, shall be privileged from arrest during their continuance at elections, and in going to and returning from the same.

§ 9. The governor shall issue writs of election to fill such vacancies as may occur in either house of the general assembly.

§ 10. Every free white male citizen of the United States, who may have attained the age of twenty-one years, and who shall have resided in this State one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be ~~deemed a qualified elector of all elective officers, where a county shall be~~ districted, any person who is otherwise qualified and shall have resided in a representative district for one month, shall have a right to vote in such district; and until he acquires a right to vote in the district to which he has removed, he shall have the right to vote in the district from which he removed: provided that no soldier, seaman, or mariner, in the regular army or navy of the United States shall be entitled to vote at any election in this State. No person who has been convicted of any felonious or infamous crime in any foreign country, or any State of this Union, or who has become a fugitive from justice from such country or State, on account of the commission of such crime, shall be permitted to vote in this State. This disqualification shall not extend to any offence of a political nature, nor to any offence which would not be considered felonious or infamous in this State.

§ 11. No judge of any court of law or equity, secretary of State, attorney general, State auditor, State or county treasurer, register or recorder, clerk of any court of record, sheriff, coroner, member of congress, or other person holding any lucrative office under the United States or of this State, militia officers, justices of the peace and postmasters excepted, shall be eligible to either house of the general assembly.

§ 12. No person who now is, or hereafter may be, a collector or holder of public money, nor any assistant or deputy of such collector or holder of public money, shall be eligible to either house of the general assembly, nor to any office of profit or trust, unless he shall, prior to his election or appointment, have accounted for and paid all sums for which he may be accountable.

§ 13. No person while he continues to exercise the functions of a bishop, priest, or clergyman or teacher of any religious persuasion, denomination, society, or sect whatever, shall be eligible to the office of gover-

nor, lieutenant governor, or to either house of the general assembly, nor to the office of judge in any court of record.

§ 14. The general assembly shall have power to exclude from every office of honor, trust or profit, within this State, and from the right of suffrage, all persons convicted of bribery or other infamous crime.

§ 15. Every person who shall directly or indirectly give, or offer any bribe to procure his election or appointment to any office, or the election or appointment of any other person shall, on conviction, be disqualified for an elector, and for any office of honor, profit or trust under this State.

§ 16. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under this State, during said term, except such offices as shall be filled by elections by the people.

§ 17. The general assembly shall have power to pass laws regulating proceedings in cases of contested elections of senators and representatives. Each house shall appoint its own officers, and shall judge of the qualifications, elections and returns of its own members. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

§ 18. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of all the members elected, expel any member, but no member shall be expelled a second time for the same cause. They shall each, from time to time, publish a journal of their proceedings, except such parts as may, in their opinion, require secrecy; and the yeas and nays on any question shall be entered on the journal at the desire of any five members.

§ 19. The doors of each house, and of committees of the whole, shall be kept open, except in cases which may require secrecy, and each house may punish by fine or imprisonment, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence, during their session: *Provided*, that such fine shall not exceed three hundred dollars, and such imprisonment shall not exceed forty-eight hours for one offence.

§ 20. Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than to that in which the two houses may be sitting.

§ 21. Bills may originate in either house, and may be altered, amended or rejected by the other, except bills for raising revenue, which shall originate only in the house of representatives; and every bill shall be read on three different days in each house, unless two-thirds of the house where the same is depending, shall dispense with this rule. And every bill having passed both houses, shall be signed by the speaker of the house of representatives, and by the president of the senate.

§ 22. When any officer, civil or military, shall be appointed by a joint or concurrent vote of both houses, or by the separate vote of either house of the general assembly, the votes shall be publicly given *viva voce*, and entered on the journals; the whole list of members shall be called, and the names of absentees shall be noted and published with the journals.

§ 23. The senators and representatives, in all cases, except of treason, felony or breach of the peace, shall be privileged from arrest, during the session of the general assembly, and for fifteen days next before the commencement and after the termination of each session, and for any speech or debate in either house, they shall not be questioned in any other place.

§ 24. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which may from time to time be increased or diminished by law; but no alteration, increasing or tending to increase the compensation of members, shall take effect during the session at which such alteration shall be made; and no session shall continue longer than sixty days.

§ 25. The General Assembly shall direct by law, *First*, In what manner and in what courts suits may be brought against the State; *Second*, The cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacity, and the amount of such deductions.

§ 26. The General Assembly shall have no power to pass laws, *First*, For the emancipation of slaves without the consent of their owners, and without paying them, before such emancipation, a full equivalent for such slaves so emancipated, and removing such slaves so emancipated out of this State; *Second*, To prevent *bona fide* immigrants to this State, or actual settlers therein, from bringing from any of the United States or from their territories, such persons as may there be deemed to be slaves, so long as any persons of the same description are allowed to be held as slaves by the laws of this State.

§ 27. The General Assembly shall have power to pass laws, *First*, To prohibit the introduction into this State of any slaves who may have committed any high crime in any other State or Territory. *Second*, To prohibit the introduction of any slave for the purpose of speculation or as an article of trade or merchandize. *Third*, To prohibit the introduction into this State of any slave or the offspring of any slave, who, heretofore, may have been, or who, hereafter, may be imported from any foreign country into the United States or any territory thereof, in contravention of any existing statute of the United States; and, *Fourth*, To permit the owners of slaves to emancipate them (saving the rights of creditors) where the persons so emancipating will give security that the slave so emancipated shall be forthwith removed out of the State.

§ 28. It shall be the duty of the General Assembly, as soon as may be, to pass such laws as may be necessary, *First*, To prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatever; provided, that nothing in this Constitution shall be construed to conflict with the provisions of the first clause of the second section of the fourth article of the Constitution of the United States. *Second*, To oblige the owners of slaves to treat them with humanity, and to abstain from all injuries to them, extending to life or limb.

§ 29. In prosecutions for felony and capital crimes, slaves shall not be deprived of an impartial trial by jury, and courts of justice before whom slaves shall be tried, shall assign them counsel for their defence.

§ 30. Any person who shall maliciously deprive of life or dismember a slave, shall suffer such punishment as would be inflicted for the like offence if it were committed on a free white person.

§ 31. The General Assembly shall have no power to pass any law whereby any debt shall be created, that shall cause the entire indebtedness of the State, contracted under this Constitution, to exceed at any one time, twenty-five thousand dollars, except in cases of war, insurrection or invasion. But the General Assembly may propose by a vote of a majority of all the members elected to both branches thereof the creation of a debt for any specified purpose, which shall be submitted to the direct vote of the people at the next general election thereafter, and if approved by a majority of the qualified voters voting on such question, shall be of full force and effect; provided, that each proposition shall be for one object alone, and shall propose the ways an means, by taxation, for the payment of the debt and interest as they become due; and provided further, that no more than one proposition shall be submitted by any one session of the General Assembly, and that the debt proposed shall not have a longer time to run than twenty years.

§ 32. The General Assembly shall not have power to grant a divorce in any case.

§ 33. The power to provide for the organization and government of the militia, shall be vested in the General Assembly.

§ 34. No private or local bill which may be passed by the General Assembly shall embrace more than one subject, and that shall be expressed in the title.

§ 35. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, and all judges of the courts of law and equity, shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit under the State government.

§ 36. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the presiding judge of the Supreme Court shall preside, and no person shall be convicted without the concurrence of two-thirds of all the Senators elected.

§ 37. A State treasurer shall be biennially appointed by a joint vote of the two houses of the general assembly, who shall keep his office at the seat of government. No money shall be drawn from the treasury but in consequence of appropriations made by law, or joint resolution, and an accurate account of the receipts and expenditures of the public money shall be annually published.

§ 38. The appointment of all officers not otherwise directed by this constitution, shall be made in such manner as may be prescribed by law; and all officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices, take an oath or affirmation to support the Constitution of the United States and of this State, and to demean themselves faithfully in office. Any person who, after the ratification of this Constitution, shall be engaged in a duel either as principal, second, surgeon, accessory, or abettor, or in giving, accepting, or knowingly carrying a challenge to fight a duel, shall be disqualified from holding any civil or military office or appointment in this State, and

if any person thus disqualified shall receive an appointment, election or commission, the same shall be void.

§ 39. It shall be the duty of the general assembly to provide by law, for the mode and manner in which the survivor of a duel, and his estate, shall be rendered responsible to, and be charged with a compensation for the wife and children of the deceased, whom he has slain.

§ 40. The general assembly shall meet on the first Monday of November, 1848, and thereafter the general assembly shall meet once in every two years, and such meeting shall be on the first Monday of November, unless a different day be fixed by law.

§ 41. No county now established by law, shall ever be reduced by the establishment of new counties, or otherwise, to less than twenty miles square; nor shall any county hereafter be established which shall contain less than five hundred square miles, nor shall any new county be hereafter organized, so as to entitle such county to separate representation, unless the number of permanent free white inhabitants therein, shall at the time be equal to two-thirds of the ratio of representation then being, but may be organized with a smaller number for all other purposes, civil and military. But residuums of territory upon the northern boundary of the State, containing four hundred square miles, may have county organization.

§ 42. No person holding an office of profit under the United States, shall during his continuance in office, be elected or appointed to, or hold any office of profit under this State.

§ 43. Within ten years after the adoption of this Constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested and promulgated, in such manner as the general assembly shall by law direct; and a like revision, digest and promulgation, shall be made at the expiration of every subsequent period of sixteen years.

§ 44. The style of the laws of this State shall be, "Be it enacted by the General Assembly of the State of Missouri."

ARTICLE IV.

Of the Executive Power.

§ 1. The Supreme Executive Power shall be vested in a chief magistrate, who shall be styled The Governor of the State of Missouri.

§ 2. The Governor shall be at least thirty years of age, a free white citizen of the United States, and shall shall have been a citizen of the United States ten years, and of the State of Missouri at least five years next preceding his election.

§ 3. The Governor shall hold his office for four years, and until a successor be duly elected and qualified. He shall be elected in the manner following: At the time and place of voting for members of the House of Representatives, the qualified electors shall vote for a Governor, and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a joint vote of both houses of the General Assembly, at their next session.

§ 4. The Governor shall be ineligible for the next four years after the expiration of his term of service.

§ 5. The Governor shall be commander-in-chief of the army and navy

of this State, except when they shall be called into the service of the United States—but need not command in person, unless advised so to do by a resolution of the General Assembly.

§ 6. The Governor shall have power, after conviction, to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons.

§ 7. The Governor, shall, from time to time, give to the General Assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions, he may convene the General Assembly by proclamntion, and shall state to them the purpose for which they are convened.

§ 8. The Governor shall take care that the laws be distributed and faithfully executed; and he shall be a conservator of the peace throughout the State.

§ 9. When any office, except that of sheriff or coroner, shall become vacant, the Governor shall appoint a person to fill such vacancy, who shall continue in office until a successor be duly appointed and qualified according to law.

§ 10. Every bill which shall have been passed by both houses of the General Assembly, shall, before it becomes a law, be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated; and the house shall cause the objections to be entered at large upon its journal, and shall proceed to reconsider the bill. If, after such reconsideration, a majority of the members to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house; by which it shall be in like manner reconsidered; and, if approved by a majority of all the members elected to that house, it shall become a law. In all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house, respectively. If any bill shall not be returned by the Governor within four days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if the Governor had signed it, unless the General Assembly, by its adjournment, shall prevent its return, in which case it shall not become a law.

§ 11. Every resolution, to which the concurrence of the Senate and House of Representatives may be necessary, except in cases of adjournment, shall be presented to the Governor, and, before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

§ 12. There shall be an Auditor of Public Accounts, whom the Governor, by and with the advice and consent of the Senate, shall appoint. He shall continue in office four years, and until his successor is duly appointed and qualified; and shall perform such duties as may be prescribed by law. His office shall be kept at the seat of government.

§ 13. The Governor shall, at stated times, receive for his services an adequate salary, to be fixed by law; which shall neither be increased nor diminished after his election and during his continuance in office.

§ 14. There shall be a Lieutenant Governor, who shall be elected at the

same time, in the same manner, for the same term, and shall possess the same qualifications, as the Governor. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor.

§ 15. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole, he may debate on all questions; and, when there is an equal division, he shall give the casting vote in the Senate, and also in joint vote of both houses.

§ 16. When the office of Governor shall become vacant, by death, resignation, absence from the State, removal from office, refusal to qualify, impeachment, or otherwise, the Lieutenant Governor, or, in case of like disability on his part, the President of the Senate *pro tempore*, or if there be no President of the Senate *pro tempore*, the Speaker of the House of Representatives, shall possess all the powers and discharge all the duties of Governor, and shall receive for his services the like compensation, until such vacancy be filled or the Governor so absent or impeached, shall return or be acquitted; and if, at any time, the President of the Senate or Speaker of the House of Representatives shall be the acting Governor, another presiding officer shall be chosen in his place by the body over which he presided.

§ 17. Whenever the office of governor shall become vacant, by death, resignation, removal from office, or otherwise, the lieutenant governor, or other person exercising the power of governor for the time being, shall, as soon as may be, cause an election to be held to fill such vacancy, giving three months previous notice thereof; and the person elected shall not thereby be rendered ineligible to the office of governor for the next succeeding term. Nevertheless, if such vacancy shall happen within eighteen months of the end of the term for which the late governor shall have been elected, the same shall not be filled.

§ 18. The lieutenant governor or president of the senate *pro tempore*, while presiding in the senate, shall receive the same compensation as shall be allowed to the speaker of the house of representatives.

§ 19. The returns of all elections of governor and lieutenant governor, shall be made to the secretary of State, in such manner as may be prescribed by law.

§ 20. Contested elections of governor and lieutenant governor, shall be decided by a joint vote of both houses of the general assembly, in such manner as shall be prescribed by law.

§ 21. There shall be a secretary of state, whom the governor, by and with the advice and consent of the senate, shall appoint. He shall hold his office during the continuance in office of the governor appointing him, and until his successor shall be duly qualified; unless sooner removed on impeachment. He shall keep a register of all the official acts and proceedings of the governor, and when necessary shall attest the same; and he shall lay the same, together with all papers relative thereto, before either house of the general assembly, whenever required so to do; and shall perform suchother duties as may be enjoined on him by law.

§ 22. The secretary of state shall keep the seal of State, with such emblems and devices as are directed by law, which shall not be subject to change. It shall be called the "great seal of the State of Missouri;" and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated.

§ 23. There shall be elected, in each county, by the qualified electors, at the time and place of electing representatives, a sheriff and a coroner. They shall serve for two years, and until a successor be duly qualified, unless sooner removed for misdemeanor in office; and shall be ineligible four years in any period of eight years. The sheriff and coroner shall each give security for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the governor shall appoint a sheriff and coroner therein, who shall each continue in office until the next succeeding general election, and until a successor shall be duly qualified.

§ 24. Whenever vacancies shall happen in the office of sheriff or coroner, the judges of the tribunal transacting county business, or a majority of them, shall, as soon as may be, cause an election to be held to fill such vacancy, giving fifteen days previous notice thereof; said judges having the power in the mean time, of making temporary appointments; and the person elected shall continue in office until his successor is duly qualified. Nevertheless, if such vacancy shall happen within six months of the end of the term for which the late sheriff or coroner shall have been elected or appointed, the said judges or a majority of them, may, in their discretion, order such election or fill such vacancy by appointment, and the sheriff or coroner so elected or appointed, shall not thereby be rendered ineligible for the next succeeding term.

§ 25. In all elections of sheriff and coroner, when two or more persons have an equal number of votes, and a higher number than any other person, the circuit courts of the counties, shall give the casting vote. And all contested elections shall be decided by the circuit courts respectively, in such manner as the general assembly may by law prescribe.

ARTICLE V.

Of Judicial Powers.

§ 1. The judicial power, as to matters of law and equity, shall be vested in a supreme court, circuit courts, county courts, justices of the peace, and such other tribunals inferior to the circuit courts, as the general assembly may, from time to time, ordain and establish.

§ 2. The supreme court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under the restrictions and limitations in this Constitution provided.

§ 3. The supreme court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas corpus, mandamus, prohibition, quo warranto, information in the nature of writs of quo warranto, certiorari, and other original remedial writs, and to hear and determine the same.

§ 4. The supreme court shall consist of three judges, any two of whom shall be a quorum; it shall hold two sessions annually, at the seat of government, until otherwise directed by law.

§ 5. The governor shall nominate, and by and with the advice and consent of the senate, shall appoint the judges of the supreme court; each judge shall be appointed for the term of twelve years; and every appoint-

ment to fill a vacancy, shall be for the residue of the term only; but in all cases the judge shall hold over until a successor shall be appointed and qualified.

§ 6. The judges of the supreme court shall be conservators of the peace throughout the State; they shall receive at stated times an adequate compensation for their services, to be fixed by law; which shall not be diminished during the term for which they shall have been appointed.

§ 7. The judges of the supreme court, or any two of them, shall appoint the clerk of said court, who shall hold his office for the term of six years, and until his successor is appointed and qualified.

§ 8. No judge of the circuit court shall be elected or appointed to any office of honor, profit or trust, under the government of this State, during the term for which he shall have been elected or appointed, except that a judge of the circuit court may be appointed to the supreme court: Provided, that if any judge shall resign his office, he shall not be ineligible to any office for a longer period than twelve months after such resignation. If any judge shall offer or consent to be a candidate for any office under the government of the United States, such offer or consent shall be taken and considered a voluntary resignation of his office.

§ 9. The State shall be divided into ten compact, convenient circuits, which number of circuits shall not be increased within ten years after the adoption of this Constitution.

§ 10. No circuit shall be altered or changed at any session of the general assembly next preceding the regular election for judge of such circuit, nor shall such change occur oftener than once in six years, but the general assembly may add to any circuit, any new county hereafter organized.

§ 11. For each circuit there shall be a judge chosen by the qualified electors therein, who shall hold his office for the term of six years, and until his successor shall be elected and qualified. When a vacancy shall happen in the office of circuit judge, within one year of the expiration of the term for which he was elected, such vacancy shall be filled by an appointment by the governor; in all other cases of vacancy it shall be filled by an election. He shall receive, at stated times, an adequate compensation for his services, to be fixed by law, which shall not be diminished during the term for which he shall have been elected. After his election he shall reside and be a conservator of the peace in said circuit.

§ 12. If there be a vacancy in the office of judge of any circuit, or if he be sick, absent, or from any cause unable to hold any term of court of any county of his circuit, such term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court in his circuit may be held by the judge of any other circuit.

§ 13. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law, and exclusive original jurisdiction over all civil cases in law and equity, not cognizable before county courts or justices of the peace, until otherwise directed by law; it shall hold its terms in such place in each county, and at such times, as the general assembly shall by law direct.

§ 14. The circuit court shall exercise a superintending control over all inferior courts, and entertain appeals therefrom in such cases, and in such manner, as shall be prescribed by law.

§ 15. The circuit court as a court of chancery, shall have power to grant divorces in all cases prescribed by law, to make such provisions for the aggrieved party, and the custody, support and education of minor children, as shall be just and equitable.

§ 16. The supreme court and circuit court shall exercise chancery jurisdiction, in such manner and under such resirictions, as shall be prescribed by law.

§ 17. No person shall be appointed judge of the supreme court, or elected judge of the circuit court, unless he shall be a citizen of the United States, shall be at least thirty years old, and shall have resided five years in this State.

§ 18. The clerks of the circuit and county courts shall be chosen by the qualified electors of the county, and shall hold their office for the term of six years, and until their successors shall be elected and qualified; and for any misdemeanor in office, they shall be liable to be tried and removed in such manner as the general assembly shall provide by law, and if any vacancy in the office of the clerk of the circuit or county court, shall happen within one year next before the expiration of the term of six years, the judge or judges of the court shall fill the same—but in all other cases a vacancy shall be filled by an election.

§ 19. There shall be in each county a county court with power to transact county business, and to perform all such duties as may be prescribed by law.

§ 20. There shall be in each township of every county chosen by the qualified electors thereof, as many justices of the peace as the public good may require, their powers, duties, compensation, liabilities and tenure of office shall be regulated by law.

§ 21. There shall be a day appointed by law, for the election of judicial officers and clerks, distinct from the day of any other election in the State.

§ 22. The governor, by and with the advice and consent of the senate, shall appoint an attorney general, who shall hold his office for the term of four years, and until his successor shall be appointed and qualified; he shall receive at stated times such compensation as shall be allowed him, and shall perform such duties as shall be required by law.

§ 23. The proceedings of all courts and tribunals shall be conducted and their records kept in the English language, except that the proper and known names of process, and technical words may be expressed in the language heretofore and now commonly used; all writs and process shall run, and all prosecutions shall be conducted in the name of the State of Missouri; all writs shall be tested by the clerk of the court from which they issue, and all indictments shall conclude against the peace and dignity of the State.

§ 24. Any judge of the supreme or circuit court may be removed from office on the address of three-fifths of each house of the general assembly to the governor for that purpose; but each house shall state on its journal the cause for which it may desire the removal of such judge, and give him notice thereof, and he shall have the right to be heard in his defence in such manner as the general assembly shall direct; but no judge shall be removed for any cause for which he might have been impeached.

§ 25. If any cause shall be pending in the supreme court, in which all,

or either of the judges thereof, shall be personally interested, the governor shall appoint competent persons to act as judges during the trial of such cause in the place of the judges thus interested.

ARTICLE VI.

Of Education.

§ 1. Schools, and the means of Education, shall forever be encouraged in this State; and the General Assembly shall take measures to preserve from waste or damage, such lands as have been, or hereafter may be granted by the United States for the use of schools within each township in this State, and shall apply the funds which may arise by sale or otherwise, from such lands, in strict conformity to the object of the grant.

§ 2. There shall be a Superintendent of Public Schools, who shall be appointed in such mode and receive such compensation as the Legislature shall direct.

§ 3. The Legislature shall establish free public schools throughout the State, and shall provide means for their support, by taxation on property, and by capitation tax or otherwise. In such schools, there shall be no distinction for or against any religious sect or denomination, and all the scholars shall be on terms of equality. And in all such schools the English language shall be taught, and all instruction shall be given in that language.

§ 4. There shall be appropriated for the purposes of education, by means of such schools,—

First. The proceeds of all lands heretofore granted by the United States to this State, for the use or support of schools, whether derived from sales or otherwise, and of all lands which have been or which may hereafter be granted or devised to this State, and not expressly granted or devised for any other purpose; but nothing in this subdivision shall be construed to conflict with the first of the five propositions contained in the act of Congress of the United States, approved March the sixth, one thousand eight hundred and twenty, entitled "An act to authorize the people of Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories."

Second. The proceeds of the estates of all deceased persons, to which the State has become entitled by law, and which have not been otherwise appropriated; and of the estates of all deceased persons which the State may hereafter become entitled to by law; and of all fines and forfeitures that may hereafter accrue according to law in this State.

Third. All the moneys, with the interest thereon, received by this State from the United States, by virtue of an act of Congress, approved June twenty-third, one thousand eight hundred and thirty six, entitled "An act to regulate the deposites of the public

money; Provided, That if said money be called for by the United States, it shall be refunded accordingly.

Fourth. The proceeds and incomes of the five hundred thousand acres of land granted by the United States to this State, by act of Congress approved September the fourth, eighteen hundred and forty-one;—Provided, That the Congress of the United States shall assent to this disposition of said five hundred thousand acres; and, provided further, That the interest which may arise from the portion of the school fund in this subdivision mentioned, shall be appropriated among the several counties in this State, share and share alike. And the appropriations in this section provided, shall be held by the State as a loan, and shall be and remain a permanent fund, on which the state shall pay an interest of at least six per centum per annum, which interest shall be annually appropriated to the support of such schools, and, if not expended, shall be added to and become a part of the principal; and this appropriation shall remain inviolable.

§ 5. All moneys, including principal and interest, arising from the sales which have been or hereafter may be made of any lands granted by the United States to this State for the use of a seminary of learning, and the proceeds of all such lands remaining unsold, and the proceeds of all donations that may hereafter be made for that purpose, shall be and remain a perpetual fund, upon which the State shall pay an annual interest of at least six per cent., which shall be appropriated to the seminary of learning established for the promotion of literature and the arts and sciences by an act of the General Assembly of this State, approved February the eleventh, Anno Domini one thousand eight hundred and thirty-nine, by the name of "the Curators of the University of the State of Missouri," and located in the town of Columbia, in the county of Boone.

ARTICLE VII.

Of the Seat of Government.

The seat of government is hereby permanently established at the City of Jefferson, in the county of Cole.

ARTICLE VIII.

Of Banks and Corporations.

§ 1. No corporate body shall hereafter be created, renewed or extended with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note or other paper, or the paper of any other bank, to circulate as money.

§ 2. No corporation except for political or municipal purposes, or for the purposes of education or of charity, shall be created, unless the bill creating the same shall contain a provision that the charter of such corporation may be repealed and annulled by a majority of both houses of the General Assembly. And the stockholders in all private corporations, except corporations for the purposes of education and of charity,

shall be responsible, in their individual and private capacity, for all debts and liabilities of every kind, incurred by such incorporation.—Nor shall any corporation be created for a longer period than twenty years; and no corporation shall exercise any privileges prohibited in the preceding section. And the State shall not be part owner of the stock or property belonging to any corporation. Nor shall the common school or seminary funds, nor any other funds or moneys, which the State may, at any time, hold in trust for the citizens of this State, be placed in, or loaned to any bank or other incorporate institution.

§ 3. The Legislature shall prohibit, by law, individuals and corporations, except the Bank of the State of Missouri, and its branches, from issuing bills, checks, tickets, promissory notes, or other paper to circulate as money. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within this State is prohibited.

§ 4. The Legislature shall have power, by law, to provide for the sale and final disposition, of all or any part of the stock owned by the State in the Bank of the State of Missouri, upon such terms and conditions as shall be by law established; and if a part only of said stock shall be disposed of, then the number of directors, on the part of the State, shall be diminished in proportion to the amount of stock sold; and whenever the whole stock of the State shall have been disposed of, all right on the part of the State, to a directory in said Bank, shall cease, but the charter for the benefit of the private stockholders, shall not be thereby affected or destroyed. And provision shall be made to enable the private stockholders to have a voice in the election of Presidents of the Bank and branches, in proportion to the amount of stock owned by them; and when all of the stock of the State shall be sold, the President of the Bank and branches shall be elected by the private stockholders.

ARTICLE IX.

Of the disposal of the Soil, and the navigation of Rivers.

§ 1. The general assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation Congress may find necessary for securing the title in the soil to the *bona fide* purchasers. No tax shall be imposed on land, the property of the United States, nor shall lands belonging to persons residing out of the limits of this State, ever be taxed higher than the lands belonging to persons residing within the State.

§ 2. The State shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said State, so far as the said river shall form a common boundary to the said State, and any other State or States now or hereafter to be formed, and bounded by the same, and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on or within this State, shall be common highways, and forever free to the citizens of this State and the United States, without any tax, duty, impost or toll therefor imposed by this State.

ARTICLE X.

Mode of Amending the Constitution.

The General Assembly may, in the year eighteen hundred and fifty, and every four years thereafter, propose such amendments to this Constitution, as a majority of all the members elected to each house shall deem expedient, and the vote upon each proposition shall be taken by yeas and nays in each house; and the governor shall cause such amendments to be published in at least one newspaper in each county in this State, where a newspaper is published, at least six months before the next succeeding general election. And it shall be the duty of the several officers in this State, who shall make out poll-books for the general election for that year, to put in each, two columns for each amendment, headed one for, and the other against, the amendment to the Constitution. And it shall be the duty of the officers conducting said elections, to take the vote of each voter, for or against such amendments separately, and to have the same recorded in appropriate columns. When said poll-books are returned to the officer authorized by law to receive them, said officer shall make out and forward to the secretary of State, within ten days after he receives such poll-books, an abstract of the votes given, for and against each of said amendments, together with an abstract of the whole number of votes cast in their respective counties, cities or districts, in the same manner as the votes for governor and lieutenant governor; and if a majority of all the votes given at said election, are in favor of any one of said amendments, the governor shall issue his proclamation, declaring the same to be a part of the Constitution, from and after the date of such proclamation.

ARTICLE XI.

Declaration of Rights.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

§ 1. That all political power is vested in and derived from the people.

§ 2. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness.

§ 3. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defence of themselves and of the State, cannot be questioned.

§ 4. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own consciences; that no man can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the gospel or teacher of religion;

that no human authority can control or interfere with the rights of conscience; that no person can ever be hurt, molested, or restrained in his religious professions or sentiments, if he do not disturb others in their religious worship.

§ 5. That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this State; that no preference can ever be given by law to any sect or mode of worship; and that no religious corporation can ever be established in this State. No religious sect or society should be permitted to accumulate or hold in mortmain large bodies of land or other property, and all extensive ecclesiastical perpetuities are dangerous to liberty. *Provided*, That any religious society may hold, in any assumed name, so much land as may be necessary for a house and buildings for public worship,--for a parsonage, and for a burying-ground—and for no other purpose whatever; but no congregation for such purposes, shall own more than one acre of land in a town, nor more than ten acres in the country. And *provided*, That nothing in this section shall ever be construed to divest any right or title heretofore vested.

§ 6. That all elections shall be free and equal.

§ 7. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property or character; and that right and justice ought to be administered without sale, denial or delay; and that no private property ought to be taken or applied to public use, without just compensation.

§ 8. That the right of trial by jury, shall remain inviolable.

§ 9. That in all criminal prosecutions, the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and in prosecutions or presentment or indictment, to a speedy trial by an impartial jury of the county; and that the accused cannot be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers or the law of the land.

§ 10. That no person after having been once acquitted by a jury, of felony or other crime or misdemeanor, can for the same offence be again put jeopardy of life, limb or liberty; but if in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had, may in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of such court.

§ 11. That all persons shall be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of HABEAS CORPUS cannot be suspended unless when in cases of rebellion or invasion the public safety may require it.

§ 12. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

§ 13. That the people ought to be secure in their persons, papers, houses and effects, from unreasonable searches and seizures; and no warrant and to search any place or seize any person or thing, can issue without describing the place to be searched, and the person or thing to

be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

§ 14. That no person can, for an indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office.

§ 15. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives, shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there ought to be no forfeiture by reason thereof.

§ 16. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write and print on any subject, being responsible for the abuse of that liberty; and in all prosecutions for libels, the truth thereof may be given in evidence, and the jury may determine the law and the facts under the direction of the court.

§ 17. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed; nor can the person of a debtor be imprisoned for debt after he shall have surrendered his property for the benefit of his creditors, in such manner as may be prescribed by law.

§ 18, That no person who is religiously scrupulous of bearing arms, can be compelled to do so, but may be compelled to pay an equivalent for military services, in such manner as shall be prescribed by law; and that no priest, preacher of the gospel, or teacher of any religious persuation, or sect regularly ordained as such, be subject to military duty, or compelled to bear arms.

§ 19 That all property subject to taxation in this State, shall be taxed in proportion to its value.

§ 20. That no title of nobility, hereditary emolument, privilege or distinction, shall be granted; nor any office created, the duration of which shall be longer than the good behavior of the officer appointed to fill the same.

§ 21. That migration from this State cannot be prohibited.

§ 22. That the military is, and in all cases and at all times shall be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in such manner as may be prescribed by law; nor can any appropriation for the support of an army be made for a longer period than two years.

§ 23. That every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate, and that all acts of the Legislature contrary to this or any other article of this Constitution shall be void.

ARTICLE XII.

Provisions to put the new Constitution into operation.

§ 1. The Constitution adopted in the year eighteen hundred and twenty, is declared to be superceded by this Constitution, and, in order to carry the same into effect, it is hereby ordained as follows:

§ 2. All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith; shall continue as if the same had not been adopted.

§ 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no officer shall be superceded thereby, except as herein directed.

§ 4. On the first Monday in August, one thousand eight hundred and forty-six, at the several election precincts in this State, the Judges thereof shall cause two columns to be opened headed one "*for the Constitution*," the other "*against the Constitution*," and cause the vote of each voter to be set in the appropriate column, and certify the vote so given to the clerks of the several county courts who shall certify the same to the Secretary of state, in the same manner and with the like restrictions that they are now required to certify the votes given for governor and lieutenant governor of this State.

§ 5. It shall be the duty of the governor to lay before the general assembly, on the first day of their regular session in the year eighteen hundred and forty-six, the vote for ratifying or rejecting said constitution, and if it shall appear to the general assembly in joint meeting, that a majority of all the votes given, have accepted the constitution, they shall within the first ten days of the session by joint resolution, declare said constitution to be the supreme law of the State, and the former constitution shall be abolished.

§ 6. Until an enumeration and apportionment shall be made under this Constitution, the county of Andrew shall have one representative; the county of Barry shall have one representative; the county of Bates shall have one representative; the county of Benton shall have one representative; the county of Boone shall have two representatives; the county of Buchanan shall have two representatives, the county of Callaway shall have two representatives; the county of Cape Girardeau shall have two representatives; the county of Chariton shall have one representative; the county of Clay shall have two representatives; the county of Cole shall have one representative; the county of Cooper shall have two representatives; the county of Crawford shall have one representative; the county of Carroll shall have one representative; the county of Franklin shall have two representatives; the county of Gasconade shall have one representative; the county of Greene shall have two representatives; the county of Henry shall have one representative; the county of Howard shall have two representatives; the county of Jackson shall have two representatives; the county of Jasper shall have one representative; the county of Jefferson shall have one representative; the county of Johnson shall have one representative; the county of Lafayette shall have two representatives; the county of Lewis shall have one representative; the county of Lincoln shall have two representatives; the county of Linn shall have one representative; the county of Livingston shall have one representative; the county of Macon shall have one representative; the county of Madison shall have one repre-

sentative; the county of Marion shall have two representatives; the county of Miller shall have one representative; the county of Monroe shall have two representatives; the county of Montgomery shall have one representative; the county of Morgan shall have one representative; the county of New Madrid shall have one representative; the county of Newton shall have one representative; the county of Dallas shall have one representative; the county of Osage shall have one representative; the county of Platte shall have three representatives; the county of Perry shall have one representative; the county of Pettis shall have one representative; the county of Pike shall have two representatives; the county of Polk shall have one representative; the county of Pulaski shall have one representative; the county of Ralls shall have one representative; the county of Randolph shall have two representatives; the county of St. Charles shall have two representatives; the county of St. Francois shall have one representative; the county of Ste. Genevieve shall have one representative; the county of St. Louis shall have ten representatives; the county of Saline shall have one representative; the county of Shelby shall have one representative; the county of Taney shall have one representative; the county of Van Buren shall have one representative: the county of Warren shall have one representative; the county of Washington shall have two representatives; the county of Wayne shall have one representative; the county of Lawrence shall have one representative; the counties of Harrison and Grundy shall have one representative; the county of Hickory shall have one representative: the county of Moniteau shall have one representative; the county of Nodaway shall have one representative; the county of Clark shall have one representative; the county of Scotland shall have one representative; the counties of Clinton and De Kalb shall have one representative; the county of Ozark shall have one representative; the county of St. Clair shall have one representative; the counties of Adair and Schuyler shall have one representative; the counties of Putnam and Sullivan shall have one representative; the county of Mississippi shall have one representative; the county of Scott shall have one representative; the county of Audrain shall have one representative; the counties of Shannon and Reynolds shall have one representative; the counties of Ripley and Oregon shall have one representative; the counties of Stoddard and Dunklin shall have one representative; the counties of Atchison and Holt shall have one representative; the county of Gentry shall have one representative; the county of Mercer shall have one representative; the county of Knox shall have one representative; the county of Camden shall have one representative, the county of Daviess shall have one representative; the county of Caldwell shall have one representative; the counties of Dade and Cedar shall have one representative; the counties of Wright and Texas shall have one representative; and the county of Ray shall have two representatives.

§ 7 Until an enumeration and apportionment shall be made, under this constitution, the counties of St. Charles and Lincoln shall have one Senator; the counties of Pike and Ralls shall have one Senator; the counties of Marion and Monroe shall have one Senator; the counties of Scotland, Lewis, Clark, Knox, and Schuyler shall have one Senator; the counties of Sullivan, Putnam, Harrison, Grundy, Mercer and Gentry shall have one Senator; the counties of Holt, Atchison, Nodaway and Andrew shall have one Senator; the counties of Buchanan, DeKalb and Clinton shall have one Senator; the county of Platte shall have one Senator; the counties of Clay and Ray shall have one Senator; the counties of Livingston, Linn, Carroll, Caldwell and Daviess shall have one Senator; the counties of Howard and Chariton shall have one Senator; the counties of Macon, Adair, Shelby and Randolph shall have one Senator; the counties of Boone and Audrain shall have one Senator; the counties of Ste. Genevieve, St. Francois and Perry shall have one Senator; the counties of Cape Girardeau and Wayne shall have one Senator; the counties of Scott, Mississippi, New Madrid, Stoddard and Dunklin shall have one Senator; the counties

of Reynolds, Shannon, Texas, Madison, Ripley, Oregon and Wright shall have one Senator; the counties of Green, Taney and Ozark shall have one Senator; the counties of Jackson and Van Buren shall have one Senator; the counties of Lafayette and Johnson shall have one Senator; the counties of Lawrence, Barry, Newton and Jasper shall have one Senator; the counties of Polk, Hickory, Camden and Dallas shall have one Senator; the connties of St. Clair, Henry, Bates, Cedar and Dade shall have one Senator; the counties of Pettis, Benton and Saline shall have one Senator; the counties of Cooper and Moniteau shall have one Senator; the counties of Cole, Miller and Morgan shall have one Senator; the counties of Callaway and Montgomery shall have one Senator; the counties of Franklin and Warren shall have one Senator; the counties of Crawford, Washington and Jefferson shall have one Senator; the counties of Gasconade, Osage and Pulaski shall have one Senator; and the county of St. Louis shall have three Senators.

§ 8. On the first Monday in August, in the year eighteen hundred and forty-seven, there shall be an election held for judges of the circuit court, and for clerks of the circuit and county courts, and every six years thereafter. The judges and clerks shall enter on the duties of their respective offices on the first Monday in January succeeding their election.

§ 9. The general assembly shall at its first session in the present year, make suitable provision for holding elections, making returns, and counting the votes for all officers to be elected under this constitution, prior to the first session of the legislature, to be elected under the same.

§ 10. So soon as the new Constitution shall be declared to be the supreme law of the State, the members of the general assembly, and all other officers who are continued, and who are elected or appointed under the old Constitution, shall take an oath to support the new Constitution.

§ 11. The next session of the general assembly, which is to meet in the year eighteen hundred and forty-six, shall not last more than thirty days.

§ 12. Immediately after the ratification of this constitution, the judges of the supreme court, shall determine by lot, the times at which they shall severally go out of office, one of whom shall go out on the fourth Monday in November, in the year eighteen hundred and forty-eight, another four years thereafter, and the third eight years after the first; a certificate of which, under the hands of the judges, shall be filed in the office of the Secretary of State, on or before the time above directed for the vacation of the office of the first judge, and should the judges neglect to file the same pursuant to to the provisions of this section, it shall be the duty of the Attorney General, Secretary of State, and Auditor of Public Accounts, immediately after the fourth Monday of November, in the year eighteen hundred and forty-eight, to make such determination by lot for the several judges, and file a certificate thereof, in the office of the Secretary of State. And the Governor shall immediately make such appointment, and fill such vacancy pursuant to the provisions of this Constitution.

Done by the Representatives of the people of the State of Missouri, in Convention assembled, at the City of Jefferson, on the fourteenth day of January, in the year of our Lord one thousand eight hundred and forty-six, and of the independence of the United States of America the seventieth.

R. W. WELLS, President,
and Delegate from the county of Cole.

CORBIN ALEXANDER, Saint Francois county.
LISBON APPLEGATE, of Chariton.
JONATHAN M. BASSETT, of Clinton county.
EDWIN D. BEVITT, of St. Charles county.
JAS. O. BROADHEAD, of Pike county.
ROWLAND BROWN, of Platte county.
JOHN BUFORD, Reynolds county.
SAM'L H. BUNCH, Polk cty.
WILLIAM MASSILLON CAMPBELL, of St. Louis county.
JOHN DAVID COALTER, of St. Charles county.
WILLIAM MCDANIEL DAVIES, of Osage county.
JAMES FARQUHAR, Washington county.
A. FINCH, Dade county.
ASBURY O. FORSHEY, county of Montgomery.
JAMES M. FULKERSON, Nodaway county.
JOSHUA GENTRY, Monroe county.
ROBERT GIBONEY, Stoddard county.
JAMES S. GREEN, of Lewis county.
DAVID M. HICKMAN, of Boone county.
THOS. MADDIN HORINE, seventeenth district.
EZRA HUNT, county of Pike.
ABRAHAM HUNTER, nineteenth district, and from the county of Scott.
FREDERICK HYATT, St. Louis county.
C. F. JACKSON, of Howard county.
H. JACKSON, of Randolph county.
B. A. JAMES, of Greene county.
CHARLES JONES, of the county of Franklin.
WM. CLAUDE JONES, of Newton.
JAMES L. JONES, of the county of Scotland.
ELIAS KINCHELOE, of the county of Shelby.
M. M. MARMADUKE, Saline county.
B. F. MASSEY, Lawrence county.
JOHN MCHENRY, Bates county.
N. C. MITCHELL, Lafayette county.
JAMES WILLIAM MORROW, of the county of Cole.
THOMAS B. NEAVES, Greene county.
JOSEPH B. NICKEL, Andrew county.
WILLIAM BENJAMIN PANNELL, Gasconade co.
PHILIP PIPKIN, Jefferson county.
JNO. E. PITT, of Platte.
DAVID PORTER, Wayne county.
WILLIAM SHIELDS, Twenty-Sixth District.
M. H. SIMONDS, 5th Dist.
DUKE W. SIMPSON, Jackson county.
WILLIAM Y. SLACK, of Livingston county.
ROBERT M. STEWART, of Buchanan co.
JOHN F. STONE, of Boone county.
THEODORE F. TONG, of Madison county.
THOMSON WARD, of Platte county.

JOSEPH B. WELLS, Warren.
HIRAM WILCOXSON, Carroll cty.
URIEL WRIGHT, St. Louis county.
BENJAMIN YOUNG, Callaway county, of the Thirteenth District.

Attest,

R. WALKER, *Secretary of the Convention.*
WILLIAM B. BASKETT, *Ass't Secretary of the Convention.*

AN ORDINANCE

Proposing to the Congress of the United States the extension of the South-western boundary of the State of Missouri.

WHEREAS, The full and free navigation of the Neosho, or Grand river of the Arkansas, is indispensably necessary to the prosperity of a large portion of the people inhabiting the south-western part of the State of Missouri; and as said river lies exclusively within the Indian country, and within a few miles of the western boundary line of this State, without its being available;

Now, therefore, in order to secure the important benefits of the navigation of said river to the people of this State, this Convention, for and in behalf of the people inhabiting this State, and by the authority of the said people, Do Ordain, That the following proposition be offered to the Congress of the United States for acceptance or rejection; and which, if accepted by Congress, shall be obligatory upon the State of Missouri, and binding as a part of the Constitution:

That the boundaries of the State of Missouri be altered and extended from the south-west corner of the State, due west along the parallel of thirty-six degrees and thirty minutes north latitude, to the middle of the main channel of the Neosho or Grand River of the Arkansas; thence up the the middle of the main channel of said stream to the point of junction of the Neosho with Spring river; thence up the middle of the main channel of Spring river to the point where the meridian line, which passes through the middle of the mouth of the Kansas river first strikes Spring river, so as to include all that tract of land which is situated between the limits described aforesaid and the present west boundary line of the State.

DONE IN CONVENTION, at the City of Jefferson, in the State of Missouri, this 14th day of January, in the year of our Lord one thousand eight hundred and forty-six, and of the Independence of the United States of America, the seventieth.

By order of the Convention.

R. W. WELLS,
President.

Attest:
R. WALKER, *Secretary.*

This printed copy of the Constitution has been corrected by, and, with one exception, made to conform to the Original Enrolled Constitution, numbered 1, which is deposited in the office of the Secretary of State.

In Article I, Section 4, line 5, of the Original roll No. 1, occurs the word "*East*" In the roll *numbered* 2, the corresponding word is "*West,*" and this last word is adopted in the printed copy.

Taking either copy, the sense is not affected, except in the case above mentioned, where the word "*East*" in the roll No. 1, is evidently an error.

JANUARY 14th, 1846.

R. W. WELLS, *President of the Convention.*
R. WALKER, *Secretary of the Convention.*